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Date: January 11, 2006

Total Pages (incl. cover): 5

To: Examiner Miranda Le, GAU 2167

Fax #: 571-273-8300

From: Steven A. Swernofsky

Re: Application No. 09/642,061 (Our docket: 103.1035.01)

Enclosed please find a courtesy copy of the Terminal Disclaimer filed on January 11, 2006 in the above-referenced matter.

Please feel free to contact us at 650-947-0700 if you have any questions.

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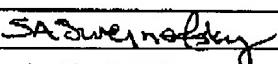
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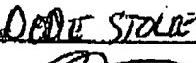
PTO/SB/21 (08-03)
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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>		Application Number	09/642,061
		Filing Date	Aug 18, 2000
		First Named Inventor	Lewis, Blake
		Art Unit	2167
		Examiner Name	Le, M.
Total Number of Pages in This Submission	6	Attorney Docket Number	103.1035.01

ENCLOSURES (check all that apply)			
<input checked="" type="checkbox"/> Fee Transmittal Form (2 copies) <input checked="" type="checkbox"/> Fee Attached (PTO Form 2038 ~ 2 copies) <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input checked="" type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Postcard	
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or individual name	Steven A. Swernofsky	
Signature		
Date	1-11-2006	
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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant Claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 130.00)

Complete if Known

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ADDITIONAL FEES Large Entity Small Entity <table border="1"> <thead> <tr> <th>Fee Code (\$)</th> <th>Fee Code (\$)</th> <th>Fee Code (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>1051</td><td>130</td><td>2051</td><td>65 Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>1052</td><td>50</td><td>2052</td><td>25 Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>1053</td><td>130</td><td>1053</td><td>130 Non-English specification</td><td></td></tr> <tr><td>1812</td><td>2,520</td><td>1812</td><td>2,520 For filing a request for ex parte reexamination</td><td></td></tr> <tr><td>1804</td><td>920*</td><td>1804</td><td>920* Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>1805</td><td>1,840*</td><td>1805</td><td>1,840* Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>1251</td><td>120</td><td>2251</td><td>60 Extension for reply within first month</td><td></td></tr> <tr><td>1262</td><td>450</td><td>2252</td><td>225 Extension for reply within second month</td><td></td></tr> <tr><td>1253</td><td>1,020</td><td>2253</td><td>510 Extension for reply within third month</td><td></td></tr> <tr><td>1294</td><td>1,590</td><td>2254</td><td>795 Extension for reply within fourth month</td><td></td></tr> <tr><td>1265</td><td>2,160</td><td>2255</td><td>1,080 Extension for reply within fifth month</td><td></td></tr> <tr><td>1401</td><td>500</td><td>2401</td><td>250 Notice of Appeal</td><td></td></tr> <tr><td>1402</td><td>500</td><td>2402</td><td>250 Filing a brief in support of an appeal</td><td></td></tr> <tr><td>1403</td><td>1,000</td><td>2403</td><td>500 Request for oral hearing</td><td></td></tr> <tr><td>1451</td><td>1,510</td><td>1451</td><td>1,510 Petition to institute a public use proceeding</td><td></td></tr> <tr><td>1452</td><td>500</td><td>2452</td><td>250 Petition to revive - unavoidable</td><td></td></tr> <tr><td>1453</td><td>1,500</td><td>2453</td><td>750 Petition to revive - unintentional</td><td></td></tr> <tr><td>1501</td><td>1,400</td><td>2501</td><td>700 Utility issue fee (or reissue)</td><td></td></tr> <tr><td>1502</td><td>800</td><td>2502</td><td>400 Design issue fee</td><td></td></tr> <tr><td>1503</td><td>1,100</td><td>2503</td><td>550 Plant issue fee</td><td></td></tr> <tr><td>1460</td><td>130</td><td>1460</td><td>130 Petitions to the Commissioner</td><td></td></tr> <tr><td>1807</td><td>50</td><td>1807</td><td>50 Processing fee under 37 CFR 1.17(q)</td><td></td></tr> <tr><td>1806</td><td>180</td><td>1808</td><td>180 Submission of Information Disclosure Stmt</td><td></td></tr> <tr><td>8021</td><td>40</td><td>8021</td><td>40 Recording each patent assignment per property (times number of properties)</td><td></td></tr> <tr><td>1809</td><td>790</td><td>2809</td><td>395 Filing a submission after final rejection (37 CFR 1.129(e))</td><td></td></tr> <tr><td>1810</td><td>790</td><td>2810</td><td>395 For each additional invention to be examined (37 CFR 1.129(b))</td><td></td></tr> <tr><td>1801</td><td>790</td><td>2801</td><td>395 Request for Continued Examination (RCE)</td><td></td></tr> <tr><td>1802</td><td>900</td><td>1802</td><td>900 Request for expedited examination of a design application</td><td></td></tr> <tr> <td colspan="4">Other fee (specify) 1814 Terminal Disclaimer</td> <td>\$130.00</td> </tr> <tr> <td colspan="4">* or number previously paid, if greater; 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SUBMITTED BY		Complete if applicable	
Name (Print/Type)	Steven A. Swernofsky	Registration No. (Attorney/Agent)	33,040
Signature	<i>SA Swernofsky</i>	Telephone	650-947-0700
Date	1-11-2006		

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REJECTION OVER A PENDING "REFERENCE" APPLICATIONDocket Number (Optional)
103.1035.01

In re Application of: Blake LEWIS et al.

Application No.: 09/642,061

Filed: Aug. 18, 2000

For: Instant Snapshot

The owner*, Network Appliance, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending reference Application Number 09/932,578, filed on Aug. 17, 2001, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the reference application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. The undersigned is an attorney or agent of record. Reg. No. 33,040

SA Swernofsky

Signature

1-11-2006

Date

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Steven A. Swernofsky

Typed or printed name

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Telephone Number

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